

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

OCA 3308-88

Dear Mr. Speaker:

The House soon will consider the "Intelligence Oversight Act of 1988" (H.R. 3822), better known as the "48-hour bill," which would establish further detailed requirements for reporting intelligence activities to the Congress. The bill would unconstitutionally infringe on the President's ability to conduct foreign policy by requiring him to ensure that, without exception, a covert action is reported to the Congress no later than forty-eight hours after the action is authorized.

The bill assumes -- falsely and dangerously -- that no set of circumstances can exist in which lives at risk or national security interests at stake would require that the President notify the Congress later than forty-eight hours after he authorizes an operation. Such circumstances will be exceedingly rare. Nevertheless, should they occur, the President must have the flexibility to ensure that the United States can act with the secrecy and dispatch that are essential to the success of such sensitive operations. The Constitution gives that authority to act to the President and his constitutional powers cannot be circumscribed as the bill proposes.

We continue to believe that the relationship between the Executive and Legislative branches in the conduct of the Nation's most sensitive foreign affairs activities should be defined by comity and quiet consultation rather than formality and confrontation. If H.R. 3822 is presented to the President in its current form, we and the President's other senior advisers will recommend that he veto the bill in order to preserve the powers of the presidency.

Director of Central
IntelligenceThe Honorable Jim Wright
Speaker of the House
of Representatives
Washington, DC 20515

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

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Sincerely,

William H. Webster
Director of Central
Intelligence

The Honorable Robert H. Michel
Minority Leader
U.S. House of Representatives
Washington, DC 20515